

IDAHO STATE ELECTRICAL BOARD MEETING
May 12, 2005

MINUTES

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Bureau held a regular board meeting at the Red Lion Templin's Hotel "Fred & Marg Conference Room", located at 414 E First Avenue, Post Falls, ID on May 12, 2005, and the pre meeting was called to order by Chairman, Stephen Keys at 7:40 a.m. Those attending were:

**ELECTRICAL
BOARD MEMBERS:**

Steve Keys, Electrical Board Chairman
Al Frieze
Kreg Davis
Tom Brown
Chris Jensen
Lee Riley
Tim Phillips
Greg Ford

**ELECTRICAL BOARD
MEMBERS ABSENT:**

Dale Pippitt

**DBS-ELECTRICAL BUREAU
STAFF MEMBERS:**

Dave Munroe, Administrator
Gary Malmen, Electrical Bureau Chief
Kay Christensen, Deputy Attorney General
Marsi Wood, Deputy Administrator/Financial Officer
Lorraine Mallett, Electrical Administrative Assistant
Jeff Fitzloff, Electrical Inspection Supervisor

SPECIAL GUESTS:

Ed Castro, BES Technologies, Inc
Bonnie Chaffin, BES Technologies, Inc

VISITORS:

Kelly Lamp, Southwest Idaho Electrical JATC
Bob Eugene, Underwriters Laboratories
Bob Corbell, IEL / HVAC Association
Joe Andre, NEMA
Doug Hatch, ICC
James R. Weimer, E ID Elect JATC
Howard Taub, Correct Equipment, Inc
Ed Loughney, SW Idaho Elec JATC
Larry Wearin, IBEW 291
Russell Hill, IBEW 449
Don Watters, IBEW 449
Tom Loudin, Area 1 Inspector Supervisor
Chuck Williams, North Idaho College
Chad Mobarry, Westland Electric
Bob Mobarry, Westland Electric

Ron Stadley, All Service Electric
Ken Henry, Henry's electric
Robert L. Franssen, Franssen Electric
Randy Franssen, Franssen Electric
Duanne Pratt, Honeywell
Dennie Seymour, North Idaho College
Ben Robinson, Electric 1
Jerry Peterson, 10 Building Trades
J Kevin Vogel, Crescent Elect Supply

PUBLIC-INDUSTRY COMMENTS FOR DRAFT PROPOSAL

Mr. Stephen Keys, Electrical Board Chairman called the meeting to order at 7:40 a.m. announcing this pre-meeting was called today, by the Board, to solicit public and industry input on the draft, rule change regarding the requirements in obtaining an electrical contractor's license for the purpose of: reciprocating, and giving purpose to the Master to assist the industry's frustration with the level of competency (training and education), which currently, isn't at the level it should be. Presently, the administrative rule requires the applicant to be a Supervising-Journeyman for two (2) years; this proposed rule change would require the applicant to be a Supervising-Master Electrician, which requires four (4) years experience as a Journeyman Electrician. For clarification, Chairman Keys explained that any present supervising-Journeyman employed by an Electrical Contractor would not be required to hold a Master Electrician License. However, any Electrical Contractor who replaces their Supervising Journeyman (upon approval by the Legislature), will be required to replace them with a licensed, Master Electrician. Those present Supervising-Journeymen will be acknowledged, (meeting the requirements) qualifying as a Supervising Master Electrician until they are no longer the supervising person. There was concern on training and classes for Journeyman to obtain a license as a Master Electrician.

The floor was opened for public and industry comments:

AGREE

Jim Weimer, E. ID Elect JATC – Strong support for this change

Russell Hill, IBEW 449 – Supports it (second meeting attended)

Ron Stadley, All Service Elect – supports this change

Randy Franssen, Franssen Elect – effects for existing contractors doesn't effect unless status changes?

Don Watters, IBEW 449 – strongly supports it (second meeting attended to give support on this issue)

Bob Mobarry, Westland Elec – masters is good idea not sure goes far enough for contractors. Technical aspects important but marketing, business aspect important too, but enforcement also needs done.

DISAGREE

None

Discussion on the requirement for the Master's license replacing a journeyman for a contractor's license was about if the company status changes, does the master license come into effect at that time? Members of board brought up that when rule is written this concern could be addressed. Renewal of contractor's license is when changes of company or signing journeyman are usually noted. Public brought up the topic of experience not only education in electrical industry needs to be addressed in the exam for master electrician license. When asked what the definition of master experience would be, it was defined that a Master Electrician would have worked or have broad experience in all areas of the industry: commercial, industrial and residential.

The Pre-meeting ended at 8:25 a.m.

The regularly scheduled Electrical Board meeting was called to order by Chairman Stephen Keys at 8:40 am with Board member introductions. Tim Phillips was introduced as the new board member for Power suppliers. Senator Gedde was acknowledged and thanked for stopping in. Marsi Woody was congratulated on being promoted to Deputy Administrator for Division of Building Safety.

MINUTES

MOTION: Mr. Al Frieze made a motion to accept the minutes of February 10, 2005 as written. The motion was seconded by Mr. Greg Ford, motion passed unanimously.

QUALIFICATIONS FOR ELECTRICAL CONTRACTOR

Chairman Steve Keys directed board members to page 5 in the board packet commenting that the Board needs to go forward with the administrative rule for Master Electrician.

MOTION: Mr. Greg Ford motioned to move forward with the adoption of the Master Electrician draft. Chairman Keys asked for a second. **Motion died** for lack of second.

Board discussion followed with concerns such as if a change in a company occurred would the journeyman with the company have to be replaced with a master electrician at that time or concerns such as qualified journeyman may hold his contractor/employer hostage for more money. Proposal of board is a sub committee of three people to work on the wording to address the master electrician draft at the August meeting

ACTION: Sub committee consists of Greg Ford, Chris Jensen and Tom Brown. They will bring new draft of the Master Electrician Administrative Rule to the August 11, 2005 meeting.

Chairman Steve Keys acknowledged Gary Malmen to address the Contractor Examination Minimum requirements. The Board was looking at the contractors exam passing score of 70% and were considering changing the passing score to 75%. Steve Keys brought up that the Division of Building Safety is looking into working with ICC to handle the examination process and that this issue hopefully would be addressed with this change. Test would be set to address Idaho's electrical qualifications. Public brought up concern of reciprocity if it would meet qualifications with other states still. Steve Keys commented that reciprocal issue is a separate issue at this time.

Mr. Malmen was asked to address the issue of Rules Governing Failed Examinations. Administrative Rule adopted by Electrical Board last year on third failure of an exam but a situation has come about that someone has failed the contractors exam for the 3rd time and what is the Boards recommendation to do in this instance? The set parameters do not fit this instance. The Board's recommendation was that for the contractor's exam if failed for the third time the requirement of 24 CEU hours or prep course should apply before retaking the exam.

ELECTRICAL COMPLIANCE

Steve Keys directed the Board to page 11 of the board packet to the Civil Penalties Guidelines. Discussion on clarification of guidelines commenced. Kay Christensen, DAG was concerned that the guidelines were drafted as rules that could be enforceable which is not the case. Board responded that they adopted the guidelines because impression was the Bureau was looking for guidance on clarification on how to deal with Civil Penalties. Discussion that followed brought out that the Industry was moving beyond warning letters (impact of first warning letter has not had much effect per the Bureau). Civil Penalties have been established and they need to be used, if guidelines don't help than the board needs to look into changing the law. Counsel agreed if document is just an advisory document than it is okay.

ACTION: Kay Christensen, DAG volunteered to rewrite the Civil Penalty guideline document as a letter from the Board to the Bureau instead of leaving this document, which looks and is written like an administrative rule.

Discussion moved to specific Civil Penalties/Notice of Violations concerning S&B Electric. The Electrical Bureau asked the board on how to proceed concerning this company. This situation has a long history and is politically sensitive. Some suggestions that came out were: pursue S & B's license, suspend the contractors license, a few board members go talk with S & B before proceeding to more drastic measures, or bring him before the board to address the Civil Penalties and Notice of Violations.

ACTION: Consensus of the Board was to implement the Civil Penalties against S & B at this time and have a couple of Board members go down and talk to S & B informally, and then document the meeting afterwards. If no compliance or response than have S & B come to the August Board meeting to address concerns, with the option to pursue suspension of license if no compliance. Greg Ford volunteered to accompany Steve Keys to go talk with S & B informally.

IDAHO LEGISLATIVE ISSUES – 2005 SESSION

Steve Keys directed Board members to page 30 of the board packet. He commented that the Electrical Board would need to promulgate rules for House Bill 139aa to bring back to the legislature for the next session. Steve Keys acknowledged Bob Corbell who gave a brief description of House Bill 139aa and House Bill 141. House Bill 139aa ties down the primary and secondary homes for electrical work done by Home Owners and exempts telephone, electrical and utility companies for communications. Home Owners will need to hire Electrical contractors to work on more than two homes that they own.

ACTION: Need to draft Administrative rules for House Bill 139aa. Communications sub committee was established of Lee Riley and Al Frieze to work with the Bureau in writing up basic draft to bring back to Board at the August meeting.

Bob Corbell also informed the board on House Bill 141 which established Electrical Contractors have to show proof of \$300,000.00 liability insurance and workers compensation if applicable. Bureau asked Board when contractors renew their license how should they monitor proof of insurance and workers compensation or if they are exempt? A suggestion brought up was insurance company's could be required to notify the Bureau if terminated or policy is lapsed. Counsel informed Board that no authority over insurance company's so there are no requirements for enforcing insurance company's to comply. No recommendation was given to the Bureau at this time.

ePORTAL DEMONSTRATION BY ED CASTRO, BES TECHNOLOGIES

Steve Keys gave the floor to Ed Castro, BES Technologies who gave a power point presentation on the Web Based Computer Program that BES Technologies is developing/programming for the Division of Building Safety. The target of the end of May or first part of June was announced that the full blown program would be ready to go live to the industry/public. Mr. Castro discussed and showed the new look of electrical permits, talked about the inspectors new lap top software to go wireless and the different features electrical contractors will be able look up on the web. Features such as being able to buy permits on line, request and look up the status of inspections, and other items on the Contractor's account. The board asked questions such as does this ePortal have a help page - it was suggested that a button be put on each page that would display telephone numbers to the people that could help the industry navigate or get help on this site if needed. Public asked about if electrical licensees can go on and check their information such as classes took and what the status of their schooling or work hours were. Ed Castro commented that license information is on a separate site than the contractor's web site. Ed Castro was thanked for his presentation.

IDAHO ADMINISTRATIVE RULES – DRAFT/REVISIONS

Steve Keys acknowledged Gary Malmen and Jeff Fitzloff who directed the board to the handout "Draft – IDAPA 07.01.01 Rules Governing Electrical Inspection Tags". Mr. Malmen took House Bill 139aa and wrote up a draft for the Board to discuss and make suggestion and/or recommendations. In the discussion that evolved the definitions of the draft need to have more work to make the administrative rule more clarified. Define Person/Residence/Occupies/Primary and Secondary Residence were some of the suggestions. The Board acknowledged that it was a good start and that this just touches a small portion that needs to be done. Steve Keys commented that on changes of statute no rules made or put into effect until goes back to Legislature for approval for communications and property owner.

MEMORANDUM OF UNDERSTANDING HVAC/PLBG/ELEC

Steve Keys directed the board to page 48 of the board packet to address the Memorandum of understanding between HVAC, Plumbing and Electrical Boards. Mr. Keys gave some background on the Memorandum that Dave Munroe had gotten the three board chairmen together to address overlaps in statutes the three bureau's where experiencing. Discussion of Memorandum followed with the public's consensus being worried that the Board has been trying to have the electrical profession held to a higher accountability and this would be opening a huge door for that accountability to be jeopardized and that

safety would be compromised. It was pointed out on the last paragraph of the memorandum that this memorandum is only in effect for one year and has to be approved each year. And that during the following months more definition of the overlaps between each Bureau will evolve and consequences will be identified and can be addressed. The board's consensus was that this step is not perfect but it is in the right direction.

MOTION: Lee Riley moved to accept the draft of Memorandum of Understanding between HVAC, Plumbing and Electrical Bureaus. Greg Ford seconded the motion. Kreg Davis made a motion for an **amendment** to the motion that "limited money would apply to jobs estimated at \$5,000.00 or less" no second on the amendment – **AMENDMENT died for lack of second.** First motion was called for a vote – motion carried unanimously.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) STAR PROGRAM

Steve Keys called upon Kreg Davis to describe the Occupational Safety and Health Administration Star Program. Kreg Davis passed out a handout "OSHA: Voluntary Protection Program" and then gave a brief description on the outline on how the elements could be replaced/change to meet the electrical inspection process. Kreg Davis and Steve Keys looked into this for a possible workload easing alternative for the Electrical inspection process. That the OSHA program is just a template and that the idea is the contractor would be in a self-inspection/self-certification program.

ACTION: Board members were to study this and do any research on their own and bring back their vote as to yes to pursue or no don't implement.

REQUEST TO REVIEW IDAPA 07.01.04014.06, HOWARD TAUB, DBA CORRECT EQUIPMENT

Chairman Keys acknowledged Howard Taub, Correct Equipment who was requesting that IDAPA 07.01.04014.06 be changed from one to two family dwellings to up to 3 family dwellings or triplex. Gary Malmen gave brief background that this rule was revised a year ago which proposed more conservative approach which built in tolerance, if exceeded 5 homes would be a hazardous situation. Bureau does not have a problem with going up to three homes. Greg Ford asked that it wasn't multiple of three homes just up to three or triplex.

MOTION: Kreg Davis moved to Amend IDAPA 07.01.04014.06 section D to be changed to reflect (1) (2) or (3) family Motion was seconded. Motion passed unanimously.

ACTION: Kay Christensen will get document ready with the change reflected.

ELECTRICAL APPRENTICE PLACEMENT PROCEDURES (VOCATIONAL EDUCATION)

Steve Keys addressed the Electrical Apprentice Placement Procedures, apparently past policy and procedure has given discretion to the Educational institutions to decide who qualifies for placement exams. Feeling on the subject is that the Bureau should retain that decision making authority. There have been situations where an individual has applied and been given tests on more than one occasion. That the placement tests were never designed to be given more than once – that there are no retakes. Dennie Seymour, North Idaho College suggested that better tracking of student by the schools should be established and that the schools have a handout of rules and regulations from the Bureau that enforces this policy. Public suggested that the wording "this is a one time test" be put on the exams.

ACTION: Bureau is to generate new policy and get out to Schools to be addressed to all apprentice programs.

ELECTRICAL LICENSING AND EXAMINATIONS

Steve Keys acknowledged Jeff Fitzloff to go over the Electrical licensing and examinations on page 57 in the board packet. It was asked on Continuing Education online (page 64 in board packet) courses if Board was okay with credits unlimited or should limits be put on how many credits can be included in education requirements? Discussion followed with Greg Ford commenting that online courses are fine because that is the direction education is going because of time and distance. Verification of identification of student taking the online course and online tests were a major concern that was brought up.

ACTION: Have Bureau (Jeff Fitzloff) find out what security measures each Online Course sponsor has in place at this time and bring back to the August meeting.

Gary Malmen asked on the Multi-State Reciprocity Agreement outstanding issue of Oklahoma having asked to be accepted does the Board wish to endorse Oklahoma's request or not? In the discussion of Multi-State Reciprocity other states requirements for education and work hours for licensing the board and public were not supportive of being in a reciprocal agreement with other states that do not require the same educational requirements that Idaho does. The consensus was that all Idaho qualifications have to be met instead of just a few.

MOTION: Kreg Davis moved not to accept Oklahoma into the multi state agreement and to send a letter to the states participating in the multi state reciprocal agreement stating: Idaho is not going to participate in any further reciprocal agreements unless applicant meets Idaho requirements, preclude those states that have education that meets Idaho's requirements. Motion was seconded, motion carried unanimously.

ELECTRICAL BUREAU FISCAL REPORTS

Steve Keys acknowledged Marsi Woody, Deputy Administrator/Fiscal Officer for the Electrical Bureau Fiscal report. Marsi Woody did comment that next quarter big expenses such as 6 vehicles and computer expenses will hit in June. And cost of fuel (which is going up) will be in the Fiscal Year 2006 Budget request but it is taking a big chunk out of the budget at this time. It was pointed out that the month of March 2005 was the biggest month for processing permits in the Electrical Bureau's history.

OLD BUSINESS/NEW BUSINESS

None

BOARD MEETINGS – 2005 SCHEDULE

Consensus of Board was to leave the meetings as scheduled:

August 11, 2005 – Idaho Falls, ID

November 10, 2005 – Meridian, ID

MOTION: Kreg Davis moved to adjourn motion was seconded by Greg Ford. Motion carried unanimously. Meeting was adjourned at 2:25 pm.

DAVE MUNROE
Secretary of the Board

DATE

LORRAINE MALLET
Minutes Recorder

DATE